

Judges are selected first, and then they run. It is rare indeed that a judge runs for office without being first selected by the governor.

We learn that the political leaders—and this was statewide; this was not Baltimore City or any counties—kept their hands off the judiciary.

Then we learned that our governor had the courage to appoint a Republican judge whose term had expired in a Democratic place where he had been elected. This took courage. The people wanted it. But it still was not enough, until we came to 1934. We had the situation in Baltimore City where two judges were coming up for election, one a Republican, Judge Stanton, another a Democrat, Judge Roland Adams; and there was not a chance in the world that Judge Stanton could be elected because two years before Franklin Roosevelt had swept Baltimore City and the rest of the State of Maryland by an unprecedented majority.

Then there was another vacancy, and a Republican who had been a commissioner during the prohibition era, was a candidate and the people of Baltimore had the greatest respect for him, even though they disagreed with the law he was enforcing—Frank Sublee.

THE CHAIRMAN: You have one minute.

DELEGATE SHERBOW: What they did was rise up with the power of the press, with the bar association joining them, but not leading, and elected two Republicans and one Democrat.

Then a lot of us young fellows,—and it was the proudest achievement in our lives—said, run on both tickets. You can run as a Democrat and a Republican. That is why you have in your counties, judges who have served for you who have filed as both Democrat and Republican, and nobody has run against them; but we still need to move one step forward.

We are willing to take that step forward with both feet, but the minority says to take it forward only with one foot.

I urge you to reject this amendment and vote for the full plan. It is a glorious step forward.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Hickman.

DELEGATE HICKMAN: Mr. Chairman and ladies and gentlemen of the Committee of the Whole: I think the issue here is getting the best judge for the people. The majority state that we will get the best of the best with the Niles plan. I submit that a nominating commission will get you the most intelligent judges who are available, and I submit that that is why we kept the Niles plan on the appellate court level. I think we need the most intelligent judges we can get there. I submit to you that the most intelligent judge is not necessarily the best judge on the superior court level or on the district court level. I submit to you that you need a judge who has judicial temperament. He is one of the people. He is fair. He is just.

The Niles Plan has been before the General Assembly on two or three occasions, and you have been told that it passed the General Assembly, the House of Delegates this past year. However, I submit to you that it passed as the minority report is given to you today, it was merely on the appellate level, on the superior or on the circuit court level. The person still had to run against live opposition.

We did state that he could have "incumbent" after his name, which is only fair.

I submit that you want a judge determining your innocence or guilt who has the type of judicial temperament that we need. I do not think it is necessary to have the highly intelligent, may-be introvert working on these levels, because at the present time in the State of Maryland, we say that the jury is judge of the law as well as the fact. Now, if twelve men and women off the street can judge the law, then it does not take a person who is the most highly intelligent to judge it.

THE CHAIRMAN: You have a little less than half a minute.

DELEGATE HICKMAN: I suggest through our approach we will get the best of the best, that is a person who is willing to run against live opposition, and is one of the people.

THE CHAIRMAN: Delegate Koger, do you desire to speak?

DELEGATE KOGER: No.

THE CHAIRMAN: Delegate Ulrich.

DELEGATE ULRICH: Mr. Chairman, I rise to speak against this motion. I am not a lawyer, I am not a political scientist. I am the housewife that you said on tele-